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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,384	10/31/2000	Victor B. Lortz	10559-299001	5608

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FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/704,384

Applicant(s)

LORTZ ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The change of address was received on December 16, 2002.

Claims 1-29 are pending in this Office Action.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-29, drawn to a method of distributing network policy, classified in class 709, subclass 223.
- II. Claim 30, drawn to a method of creating a file, classified in class 707, subclass 200.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because any form of file that is understood by the system will operate validly. The subcombination has separate utility such as storing the file for later usage.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with David Feigenbaum on November 24, 2003 a provisional election was made without traverse to prosecute the invention of Lortz et

al., claims 1-29. Affirmation of this election must be made by applicant in replying to this Office action. Claim 30 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichert (6393474).**

Regarding claims 1, 5, and 9, Eichert discloses a method, comprising: receiving a specification for translating a network policy from a first schema to a second, different schema (Column 2, line 62 – Column 3, line 3); translating the network policy into the second different schema based on the specification (Column 3, lines 23 – 25); and configuring a network system based on the translated policy (Column 3, lines 27 - 32).

Regarding claims 3, 7, and 11, Eichert discloses that the specification is received in a file from a policy server (Column 2, lines 49 – 54 and lines 60 – 65).

Regarding claims 4, 8, and 12, Eichert discloses that the file also contains the policy (Column 2, lines 49 – 54 and Column 3, lines 25 – 27).

Regarding claims 13, 17, and 21, Eichert discloses a method, comprising: storing a network policy for configuring a network system according to a first schema (Column 5, lines 36 – 37); storing a specification for translating the network policy from the first schema to a second different schema (Column 2, lines 47 – 50); translating the network policy into the second different schema based on the specification (Column 2, lines 50 – 52); and sending the translated network policy to a client computer (Column 2, lines 52 – 54).

Regarding claim 25, Eichert discloses a method of configuring a network comprising: transmitting a network policy according to a first schema and a specification for translating the network policy from the first schema to a second different schema from a server (Column 9, lines 10 – 13 where the signal is the policy and the specification and Column 9, lines 38 – 49, shows that the schema doesn't change till the policy is received by the devices); receiving the network policy and the specification on a first client computer (Column 2, line 62 – Column 3, line 3); translating on the client computer the network policy from the first schema to the second different schema using the specification (Column 3, lines 25 – 27); and configuring the network system on the first client computer using on the translated network policy (Column 3, lines 27 - 32).

Regarding claim 26, Eichert discloses receiving the network policy on a second client computer (Column 2, line 62 – Column 3, line 3) and configuring the network

system on the second client computer using on the network policy (Column 3, lines 27 - 32).

Regarding claims 16, 20, 24, and 29, Eichert discloses that the network policy and the specification are stored in one file (Column 3, lines 25 – 27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 10, 15, 19, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichert in view of Hind (6585778).

Regarding claims 2, 6, 10, 14, 15, 18, 19, 22, 23, and 28, Eichert does not explicitly indicate that the network policy is represented in eXtensible Markup Language and the specification is represented in eXtensible Stylesheet Language. Hind teaches a policy distribution and enforcement system where he uses Extensible Markup Language [a tag-based language] (Column 7, lines 19 – 29) and the specification is represented in eXtensible Stylesheet Language (Column 7, lines 47 – 50 and Column 8, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of distributing policy using XML on Eichert's network policy configuring system to provide more flexibility (Column 4, lines 1 – 4) and be more device specific in the policy rules (Column 2, lines 29 – 36).

Regarding claims 14, 18, and 22, Eichert discloses that prior to translating the network policy the steps of: sending the network policy to the client computer; sending the specification for translating the network policy to the client computer (Column 3, lines 25 – 27); but Eichert does not explicitly indicate receiving an indication that the client computer cannot translate the network policy. Hind teaches receiving an indication that the client computer cannot translate the policy (Column 7, lines 40 – 41) and translating the policy into something the client can understand (Column 7, lines 41 – 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of receiving indications on whether the client computer understands the policy and use it in Eichert's policy system in order to expand the type of devices that the network is able to support even if those devices have limited functions (Column 7, lines 34 – 40).

Regarding claim 27, Eichert discloses receiving the network policy on a third client computer (Column 2, line 62 – Column 3, line 3); translating on the server the network policy from the first schema to the second different schema using the specification (Column 2, lines 49 – 52); and transmitting the translated network policy to the third client computer (Column 2, lines 52 – 54), but Eichert does not explicitly indicate that the client transmits to the server an indication that the third client computer cannot translate the network policy. Hind teaches an indication that the client computer cannot translate the policy (Column 7, lines 40 – 41) and translating the policy into something the client can understand (Column 7, lines 41 – 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use

Hind's teaching of receiving indications on whether the client computer understands the policy and use it in Eichert's policy system in order to expand the type of devices that the network is able to support even if those devices have limited functions (Column 7, lines 34 – 40).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

KB  
November 24, 2003

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**